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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,586	12/05/2003	Mats Petter Pettersson	3782-0277P	7349

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EXAMINER	
FRANKLIN, JAMARA ALZAIDA	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/727,586	PETTERSSON ET AL.	
	Examiner	Art Unit	
	Jamara A. Franklin	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-27,29-34,36-41 and 43-68* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-27,29-34,36-41 and 43-68* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Acknowledgment is made of the amendment filed on 5/23/05. Claims 2-27, 29-34, 36-41, and 43-68 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Winterburn (US 4,835,544) (cited by applicant).

Winterburn teaches a product provided with a coding pattern which comprises: a grid formation comprising a first plurality of grid points; and a second plurality of marks, each grid point being assigned at least one mark and representing a value by way of the relative location of said at least one mark (col. 1, lines 48-57);

the product wherein first and second combinations of said grid point code a first and a second position, respectively, in at least one direction on the product, the second combination containing a portion of the grid point of the first combination (see figures 3 and 4);

the product wherein said at least one binary code is utilized for determination of the first and second positions on the product;

the product wherein each combination of grid points in accordance with a predetermined combination rule represents at least two set of digits, one of said sets defining a first position coordinate on the product;

the product wherein said value is given by a displacement of the center of gravity of the mark relative to the grid point (see figure 4);

the product wherein said value is given by a displacement of the center of gravity of the mark in one of a number of predetermined directions from the grid point (see figure 4);

the product wherein said predetermined directions coincide with grid lines of the grid formation;

the product wherein said displacement is essentially equal for all marks;

the product wherein said displacement is ¼ to 1/8 of the distance between the grid points;

the product wherein the effective diameter of each assigned mark is about 50% to about 240% of the displacement of the mark relative to the grid point;

the product wherein all the marks have an essentially identical appearance;

the product wherein the marks are approximately circular, triangular or rectangular;

the product wherein the coding pattern lacks reference marks for defining the grid formation;

the product wherein the grid formation is virtual;

the product wherein the grid points is identifiable by means of the marks only;

the product wherein the distance between the grid point is about 250 micrometers to about 300 micrometers;

the product wherein the grid formation is a rectangular grid;

the product wherein the marks are optically readable;

the product where the grid formation defines a coded surface area of the product, the collective surface area of the second plurality of marks constituting 0.25% to 20% of the coded surface area; and

the product which comprises a sheet of paper.

3. Claims 29-34, 36-41, 43-68 are rejected under 35 U.S.C. 102(b) as being anticipated by Gunn (US 3,983,366).

Gunn teaches an apparatus and method for determining a set of data values based on a number of marks in a subset of a coding pattern which comprises: a grid formation comprising a first plurality of grid points; and a second plurality of marks, each grid point being assigned at least one mark and representing a data value by way of the relative location of said at least one mark, said method comprising: detecting the grid points in the subset; detecting the marks in the subset; associating each detected mark with one of the detected grid points; and determining the location of each detected mark relative to the thus associated grid point (see figures 2 and 3 and col. 2, line 60-col. 3, line 10);

the apparatus and method further comprises: determining the data value for each grid point based on the location of each associated mark relative to the grid point; and deriving based on the data values, the location of the subset among a plurality of partially overlapping subsets in the coding pattern;

the apparatus and method wherein said means for determining comprises: means for searching for the mark at a predetermined distance from one of the detected grid points;

the apparatus and method wherein determining the location comprises: calculating the center of gravity of each mark (col. 4, lines 44-57);

the apparatus and method further comprising:

determining the data value for each grid point based on the location of each associated mark; and

the apparatus and method further comprising: determining the data value for each grid point based on the location of each associated mark relative to the grid point; and deriving, based on the data values, the location of the subset among a plurality of partially overlapping subsets in the coding pattern;

Response to Arguments

4. Applicant's arguments with respect to claims 1-54 have been considered but are moot in view of the new ground(s) of rejection.

The examiner respectfully submits that, upon further consideration, limitations which had previously been indicated as allowable subject matter are no longer considered allowable. Any inconvenience on the part of the applicant is greatly regretted.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamara A. Franklin
Examiner
Art Unit 2876

JAF
September 20, 2005

MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800